

## WOMEN IN POLICING: Does gender play a role in excessive force complaints?

By Keith Foster

There have been many studies on the benefits of diversity in the law enforcement profession. Most of these studies focused on the ways in which diversity would improve community policing efforts. There has been very little research published, however, on the role gender plays in police misconduct. Some might say it has little impact. Others might ponder whether an officer's size, demeanor, or gender might actually increase the incidence of police use of higher levels of force. The evidence is surfacing, though, to support those who would assert women are better suited in many instances to deal with potentially violent situations in ways their male counterparts do not employ. We will look at this spectrum of thought in an effort to answer the core question: Is there a correlation between gender, and instances of incidents seen as misconduct by the police?

### A Case Study

No civilian occupation in the United States is more identified with masculine stereotypes than policing, and no facet of policing is viewed as more of a male preserve, than uniform patrol.<sup>1</sup> Since the 1970's, however, women have increasingly taken their place along the "thin blue line" of policing. A controversial step when first taken, the presence of female police officers in patrol and other

field-related assignments has become a norm of policing, and is seen in small and large communities across the nation.

With more than thirty years of data from which to glean some conclusions, one can gain a sense of whether or not gender plays a significant role in police misconduct. It is instructive to consider a case study as a starting point in our look at gender and its relation to significant acts of misconduct by those in law enforcement.

The Louima Incident: In the early morning of August 9, 1997, several New York police officers were handling a disturbance at a nightclub when Officer Justin Volpe was punched by one of the patrons. Volpe observed a Haitian immigrant named Abner Louima in the immediate vicinity, and Volpe believed Louima had struck him. Louima was subsequently arrested and transported to the 70<sup>th</sup> precinct.

Louima stated as he was enroute to the 70<sup>th</sup> precinct, two New York police officers beat him while he was seated in the back of a patrol car. Upon arrival at the 70<sup>th</sup> precinct, Louima was taken into a bathroom where he was forcibly held down by Officer Charles Schwarz. As Louima was being held down by Officer Schwarz, Officer Justin Volpe rammed a broken broomstick into Louima's rectum, rupturing his bladder and colon; Volpe then jammed the blood and feces stained broomstick into Louima's mouth.

After the assault, Louima was thrown into a holding cell where he bled profusely for over three hours before he received any medical treatment. Meanwhile, officers reported observing Volpe brandishing the blood and feces stained broomstick around the station and Volpe bragged about how he had humiliated Louima.

In the end, Volpe confessed and pleaded guilty to a civil rights violation. Volpe said he sodomized Louima because he mistakenly believed Louima had punched him during the disturbance at the nightclub. As it turned out, the actual assailant was Louima's cousin.<sup>2</sup> The question begs an answer: Is sodomizing someone with a broken broomstick a logical response to a punch? Further, would an officer who is female respond with the same level of ferocity to the perceived slight and affront to the officer's control of the contact?

### Male Aggression and Policing

Sigmund Freud's research on male aggression indicates men generally have two intense impulses: Thanatos and Eros (Death and/or destruction and sexual urges).<sup>3</sup> Following this logic, all males are born with the instinctive impulse to devour not only food, but also all frustrating objects. In addition, all males have the capacity for sexual desire. The difference between an "instinct" and a "capacity" is crucial. An instinct demands an outlet. A capacity is only latent—and may never be brought into play.<sup>4</sup>

Women on the other hand, are less likely to act on violent impulses. According to researcher Anne Campbell, women generally have a greater fear of physical harm; and during conflicts women usually adopt resolution strategies that involve lower risks of physical harm than their male counterparts.<sup>5</sup>

The law enforcement profession is experiencing a significant change from the late 1980s and early 1990s. Citizens and community groups are less tolerant of police misconduct and excessive force. Law enforcement officers are now expected to be reflections of their communities and responsive to the needs of all citizens. Public activists expect law enforcement officers to consistently resolve conflicts without the use of force.

It is impossible to resolve all conflicts without any use of force. However, according to research from the National Center for Women and Policing: many police and community leaders believe *women police officers* are substantially less likely than their male counterparts to be involved in problems of excessive force.<sup>6</sup> Women currently comprise about 13 percent of the total sworn personnel in large metropolitan police agencies.<sup>7</sup> Yet, data from the NCWP indicates only five percent of the citizen complaints for excessive force and two percent of the sustained allegations in large police agencies [agencies with 500 or more sworn personnel] involve female police officers. Female officers also account for only 6 percent of the dollars that are paid out in court judgments and settlements for excessive force among these large police agencies.

In contrast, the average civil liability payout for male police officers ranges from approximately 2 ½ to 5 ½ times the amount of payouts for female police officers in excessive force judgments. The average male police officer is over 8 ½ times more likely than his female counterpart to have an allegation of excessive force sustained against him. The average male police officer is 2 to 3 times more likely than the average female police officer to have a citizen name him in a complaint of excessive force.<sup>8</sup>

As an example of the issue in metropolitan policing, the following chart represents the civil liability payouts for the Los Angeles Police Department from years 1990 to 1999. It exemplifies and supports the conclusions drawn from the NCWP:

*LAPD Excessive force and police misconduct liability cases: 1990 - 1999*

<b>Allegations</b>	<b># Male Officer(s) involved</b>	<b>#Female Officer(s) involved</b>	<b>Cash payouts (Male)</b>	<b>Cash payouts (Female)</b>	<b>Total payouts</b>
Assault and Battery	100	11	\$10,792,843	\$334,945	\$11,127,788
Officer Involved Shooting	38	6	\$24,856,333	\$2,232,667	\$27,089,000
Other excessive force/misconduct	53	6	\$8,323,287	\$23,077	\$8,346,364
Sexual assault	7	0	\$8,281,000	\$0	\$8,281,000
Officer involved domestic violence	1	0	\$2,150,000	\$0	\$2,150,000

In custody deaths	56	4	\$9,045,544	\$210,714	\$9,256,258
<b>Total</b>	<b>255</b>	<b>27</b>	<b>\$63,449,007</b>	<b>\$2,801,403</b>	<b>\$66,250,410</b>

The Cincinnati Enquirer conducted a similar analysis of civil liability payouts for excessive force by the Cincinnati Police Department. The report examined the judgments and settlements between 1990 and 2000. Between 1990 and 2000, 17 percent of the workforce in the Cincinnati Police Department was female. During that same period of time, female police officers only accounted for 7.7 percent of the dollars paid out in out-of-court settlements for excessive force and wrongful death lawsuits. The ratio of male to female police officers on patrol was 4.8 to 1.<sup>9</sup> The ratio for excessive force payouts, however, was 12 to 1. In other words, the payouts for excessive force lawsuits by male officers were 2½ times more than the payouts for female police officers. An examination of payouts for wrongful death, revealed male police officers accounted for 98.4 percent of the dollars paid out in out-of-court settlements, increasing the ratio of male to female payouts to over 18 to 1 or almost 4 times higher than that of their female counterparts.<sup>10</sup>

Cincinnati's data reflects the same patterns as found in Los Angeles a decade earlier:

*Excessive force cases against the Cincinnati Police Department: 1990 - 2000*

<b>Allegations</b>	<b>#Settled Lawsuits</b>	<b># Male Officers</b>	<b># Female Officers</b>	<b>Male Payouts</b>	<b>Female Payouts</b>	<b>Total Payouts</b>
<b>Excessive Force</b>	30	63	9	\$1,263,403	\$114,326	\$1,377,729
<b>Wrongful Death</b>	4	22	2	\$339,429	\$18,571	\$358,000
<b>Totals</b>	34	85	11	\$1,602,832	\$132,897	\$1,735,729

Why is there such a discrepancy in the use of force between male and female officers? According to criminologist James Messerschmidt, "...sociologists and criminologists have known for quite a while that there is a relationship between masculinity and crime, for gender has been advanced consistently as the strongest predictor of criminal involvement."<sup>11</sup> In addition, research conducted by the National Center for Women in Policing reports varying opinions on why male officers are more likely to be involved in use of force incidents than their female counterparts. Generally speaking, men are inherently stronger than women.<sup>12</sup> This might account for the differences in an officer's willingness to use force to resolve conflict.

Some might suggest that male officers are more concerned with improving their physical characteristics [i.e. strength training and tactical skills] rather than their intellectual capacities [i.e. persuasion and negotiation skills]. This notion may be due to the belief that strength counts when persuasion and negotiation fails. Generally speaking, female police officers often rely on negotiation, persuasion, and effective communication to resolve conflict. <sup>13</sup>

According to Washington Times Reporter Fred Reed, the communication and persuasion skills exhibited by female police officers are easier and more instinctive; rather than the immediate threat and/or use of physical force.<sup>14</sup>

#### A Perspective from the front line

Fresno Police Department Sergeant Elizabeth Marmolejo is a twelve year veteran of the Fresno Police Department. Sgt. Marmolejo summarized her feelings in response to the question: Are male officers more likely to engage in use of force incidents than female officers?

She said, "Generally speaking, female police officers are more resilient than male police officers. Female officers often enter the law enforcement profession with very little upper body strength, limited tactical skills, and minimal exposure to a predominantly male oriented work setting. Over time, female police officers develop physical strength, obtain tactical proficiency, and successfully assimilate into the male oriented working environment.



However, after obtaining physical and tactical skills and becoming proficient with both lethal and less-lethal technology; female police officers never forget how to use their most valuable tool in law enforcement—their ability to prevent and/or defuse conflict rather than provoking it and/or responding to it.”<sup>15</sup>

Sergeant Marmolejo’s opinion is similar to the thoughts of Fresno Police Department Sergeant Marty True. Sgt. True is a *twenty year* veteran of the Department. He has served on the Fresno Police Department’s Special Weapons and Tactics (SWAT) Team for more than sixteen years. During the last nine years, Sgt. True has served as a SWAT *entry-team* leader. He also responded to the question, “Are male officers more likely to engage in use of force incidents than female police officers?” Sgt. True responded, “In my opinion, female officers are less likely to use force than male officers. I’ve supervised female officers in patrol; during my assignment to the Violent Crime Suppression Unit; and as a supervisor on the SWAT team. I can’t remember any incidents where a female officer was accused of being overly-aggressive and involved in an excessive force allegation [of misconduct]. I believe female police officers are generally *smooth talkers*.”

Sgt. True added, “I think they [female officers] recognize their physical limitations and don’t rely on strength to control suspects, they primarily rely on talking their way through situations. In addition, I have never had a situation where force was required to resolve an incident and a female officer was reluctant to use it.”<sup>16</sup>

In an article appearing in the Washington Post in 1998, reporter Fred Reed noted a similar perspective. Reed concluded female police officers understand they are expected to meet the same standards of intelligence and behavior as male officers. Their general attitude is to prove they can perform their jobs as well as their male counterparts. They learn how to evade attackers; coordinate assisting personnel; and manage their calls so that fighting isn't the first option. <sup>17</sup> If female police officers perform all aspects of their jobs as well as male officers, but aren't involved in as many physical confrontations; why aren't more law enforcement agencies hiring more women?

### **Recruiting for success**

The Christopher Commission conducted an investigation on the use of force in the LAPD, following the 1991 videotaped beating of Rodney King. One of the conclusions the commission reported was *female police officers were better equipped to peacefully resolve situations of potential violence*.<sup>18</sup>

Female police officers have demonstrated their ability to perform all aspects of the law enforcement profession at the same levels of male police officers. If female police officers can perform the same duties as their male counterparts and they are involved in fewer incidents which result in civil judgments awards; should law enforcement executives consider recruiting more female candidates?

Law enforcement executives should make efforts to ensure their organizations are reflective of the communities they serve. Law enforcement agencies in

California have been instituting strategies to diversify the workforce for many years. However, many minorities and women chose other career options due to the misperceptions about the acceptance and treatment of minorities and women both within their ranks and within the communities that they served. <sup>19</sup>

The National Center for Women in Policing has created a guide for recruiting and retaining women which may be useful for police agencies. The following strategies were listed by the NCWP:

- Formation of a recruiting team
- designing recruitment brochures and posters
- create a recruiting team
- identify and locate potential candidate sources
- create incentive programs
- expand community outreach programs
- continuously monitor recruitment efforts
- remove obstacles in the selection process (i.e. physical agility testing, subjective written exams, etc.)
- design quality recruit academy programs and field training programs
- institute mentoring programs to increase retention and enhance promotional opportunities; and,
- develop an awards and recognition program. <sup>20</sup>

Additional strategies that may be used by law enforcement agencies to enhance recruitment efforts might include collaboration with high schools and community colleges that have large minority student populations.

Organizational diversity should be reflected at all levels of the organization.

Diversity within the law enforcement profession can enhance organizational communication, decrease tension within certain communities, increase public trust and confidence, and prevent certain preconceptions and stereotypes.

Recruiting the finest and most capable workers is a tremendous challenge. Law enforcement executives should develop a recruitment plan which defines their organization's vision, goals, and objectives.

The vision statement should highlight how the agency provides the highest level of service from a well-trained, diverse workforce. The goal of the agency should be to ensure the workforce is diverse by continuously recruiting minorities and women.

According to California Commission on Peace Officer's Standards and Training consultant Merle Switzer, the Sacramento Police Department is one of the State's most innovative organizations in the recruitment of women and minorities.<sup>21</sup> They have created two unique programs to enhance recruitment efforts: 1) The Female Fitness Challenge and 2) the Community Recruiter Program.<sup>22</sup>

- The female fitness challenge is designed to assist female police officer candidates in successfully passing the department's physical agility exam. The Sacramento Police Department employs approximately seven hundred sworn officers. Approximately twelve percent of the sworn workforce is comprised of females. The department would like to increase the number of female police officers to twenty five percent of the total number of sworn officers. Although the Sacramento Police Department receives some well-qualified female applicants a significant number of them fail the physical agility test. The female fitness challenge was created to combat the problems female candidates experienced on the agility test. In addition to providing female candidates with an opportunity to develop the requisite skills needed to successfully pass the physical agility test, the fitness challenge enables female candidates to work with a personal trainer once a week over a three month period to improve their overall physical condition. <sup>23</sup>
- The Community Recruiter Program was designed to enhance recruiting efforts in historically under-represented groups. The Community Recruiter Program consists of leaders from neighborhoods, associations, clubs, churches, and businesses who assist the police department in seeking out and recruiting police officer candidates.

The Sacramento Police Department has developed a three hour training program for community recruiters. The training covers Federal and State laws, the testing and selection process, and the academy and field training programs.

In addition, a DVD has been developed outlining the selection, testing, and training processes for police recruits. Each community recruiter is provided with a copy of the DVD and a recruiting handbook which outlines and contains samples of the testing process. Each community recruiter is assigned a police department recruiter who will assist with meetings, presentations, and the overall recruiting process. Lastly, the community recruiter can also assist the police department by serving as a panel member during the oral testing process and participating in recruitment booths at community events. <sup>24</sup>

Successful recruiting efforts will provide a foundation for policing in the future. Future policing strategies will be dependent on the type of society being policed—the social, economic, and political realities, and the technological sophistication of the populace. <sup>25</sup> Law enforcement traditionally has been a closed, slow-to-change subculture. <sup>26</sup> If history repeats itself the law enforcement profession may return to the adversarial relationships with minority communities, the workforce will become homogeneous, and local agencies will be governed by judicial oversight (consent decrees and increased litigation).

## **Conclusion**

Gender may play a pivotal role in police misconduct. Female police officers are involved in fewer incidents of excessive force than their male counterparts. In addition, female police officers are less likely to engage in behavior that results in damages awarded against their municipality and/or organization.

Generally speaking, one of the most beneficial contributions women bring to the law enforcement profession is their ability to de-escalate potentially volatile situations.

Female police officers have developed proficiencies in weaponry and enhanced their tactical skills; however they primarily utilize their ability to gain compliance rather than rely on sheer force and brute strength. When women feel compelled to behave like men in the workplace, the results can be counterproductive and can even result in disciplinary action.<sup>27</sup> Certainly there are times when force is necessary and must be utilized. However, force should not be the only *tool* in a police officers' toolbox.

Men and women are both capable of resolving conflict without the use of force; however women generally diffuse potential confrontations, not because they are not capable of using force to effect the desired results, but they prefer to use force as a last result. Male officers can learn something from female officers. The next time a male officer is embroiled in a potentially volatile situation—he should consider using tactics that are frequently used by women to de-escalate and diffuse the situation, before resorting to force. This course of action may save the officer's life; save the life of a citizen; and save the officer's city or county budget millions of dollars in civil damage payouts.

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